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May 1, 2008

BY FAX

Hon. Dora L. Irizarry
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Shaheed Khan, No. 06CR255 (S-1)(DLI)

Dear Judge Irizarry:

Prior to its filing of a motion in limine to admit certain evidence at trial, the Government has provided defense counsel with a copy of its memorandum of law in support of the motion. Because of the potential for prejudice that the allegations therein pose and because of possible repercussions in Guyana, this is to request that the motion be temporarily filed under seal pending receipt of the defendant's opposing papers--to be filed within 21 days--in order to permit defense counsel to conduct investigation of the allegations and to make an application for sealing if appropriate.

We take this opportunity to alert the Court that the contents of the memorandum of law (see, e.g., p.2, "The Conspiracy") appear to have significant bearing on the defendant's Rule 15 motion.

Very truly yours,

/s/
Diarmuid White
Robert M. Simels
Attorneys for Shaheed Khan

cc: Paige Petersen, AUSA (by fax)

The application to temporarily seal the government's motion is DENIED. Defense counsel was to provide the court with valid reasons and articulate facts in support of the request to seal. Moreover, this letter could have and should have been posted by ECF as there is nothing sensitive contained therein. The conclusory allegations do not support sealing. The govt.'s motion shall be filed electronically. By May 21, 2008.

*SO ORDERED. Bklyn, NY
May 1, 2008*

U.S.D.J.